

REMARKS

I. Introduction

In view of the above amendments and the following remarks, reconsideration of the rejections contained in the Office Action of October 3, 2008 is respectfully requested.

By this amendment claims 1-12 have been amended. No new matter has been added by these amendments.

The specification has been reviewed and revised. No new matter has been added by these revisions. Entry of the amendments to the specification is respectfully requested.

II. 35 U.S.C. § 112

Claims 6 and 10-11 are rejected as being indefinite for the use of the term “excellent.” The claims have been amended to no longer include that term; and thus withdrawal of this rejection is respectfully requested.

Claims 2 and 4 are rejected as being indefinite for the use of the term “its.” The claims have been amended to no longer include that term; and thus withdrawal of this rejection is respectfully requested.

III. Prior Art Rejections

Currently, claims 1-4 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over Poiret et al. (US 2002/0094894), claims 5 and 7-9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Poiret et al. in view of Kuznets et al. (US 5,700,214), and claims 6 and 10-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over

Poiret et al.

As a preliminary matter, Applicants disagree with the rejection presented in the non-final Office Action. Unamended claim 1 recited “a retraction restrictor means” and “a radially elastically deformable elastic ring.” The rejection of claim 1 matches a single structure of Poiret et al., the ring stop 16, with the two distinct structures recited in claim 1. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Because Poiret et al. does not teach “a retraction restrictor means” and a distinct “radially elastically deformable elastic ring,” an anticipation rejection is improper. Applicants also disagree with the combination or references in the rejection of claims 5 and 7-9. The locking ring 16 of Poiret et al. has a triangular cross-section which engages groove 14 at end face 21; Poiret et al. also relies solely on friction between an upper flat surface of ring 16 and housing 1 to prevent inward movement of the bore 2. (Poiret et al. paragraph 0047, lines 21-33.) Thus, it appears that Poiret et al. would not be operable if the locking ring 16 had a circular cross-section as required by claims 5 and 7-9. In an effort to advance prosecution, and without agreeing to the propriety of the rejection of the non-final Office Action, the claims have been amended to more clearly distinguish the invention over the prior art.

Claims 1 and 3 are patentable over Poiret et al. and Kuznets et al., whether taken alone or in combination, because the claims require a chain tensioner comprising, in part, an elastic ring, an engaging groove, a ring fitting groove, the elastic ring configured to radially expand such that it is disposed in both the engaging groove and the ring fitting groove to prevent axial movement

of the plunger in a direction away from a closed end of a cylinder chamber.

Poiret et al. discloses a chain tensioner in which a ring stop 16 contracts into a ring fitting groove 14 and thereby creates friction against a housing 1 and prevents movement in a direction toward a closed end of the cylinder. (See Figure 7; paragraph 0047, lines 22-33.) As can clearly be seen by Figures 8 and 9, ring stop 16 does not prevent movement in a direction away from a closed end of the cylinder chamber. Poiret et al. discloses that the plunger can “be fully removed from the housing body 1” by simply pulling the plunger. (Paragraph 0049.) As a result, Poiret et al. fails to meet the limitations of claims 1 and 3. It is thus submitted that the invention of the current application, as defined in claims 1 and 3, is not anticipated nor rendered obvious by the prior art, and yields significant advantages over the prior art. Allowance is respectfully requested.

Claims 2, 5-7, and 10 depend, directly or indirectly, from claim 1 and are thus allowable for at least the reasons set forth above in support of claim 1. Claims 4, 8-9, and 11-12 depend, directly or indirectly, from claim 3 and are thus allowable for at least the reasons set forth above in support of claim 3.

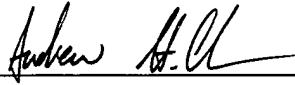
In view of the foregoing amendments and remarks, inasmuch as all of the outstanding issues have been addressed, Applicants respectfully submit that the present application is in complete condition for issuance of a formal Notice of Allowance, and action to such effect is earnestly solicited.

Should any issues remain after consideration of the within response, however, the Examiner is invited to telephone the undersigned at his convenience.

If any fee beyond that submitted herewith, or extension of time is required to obtain entry of this Amendment, the undersigned hereby petitions the Commissioner to grant any necessary time extension and authorizes charging Deposit Account 23-0975 for any such fee not submitted herewith.

Respectfully submitted,

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